

REMARKS

Claims 1, 3-16, 18, 22-23 are pending in the application.

Rejection under 35 U.S.C. 102

Claims 1, 3-5, 9-11, 14-16, 21, 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Behnke et al.* (US 4,791,831).

The examiner argues that *Behnke et al.* shows a casing comprising casing parts 8, 9 and fasteners 17, 21 that connect the casing parts to one another such that the fasteners are located inside and concealed within the casing parts and inaccessible when the casing is flanged to a motor casing as shown in Figs. 5 and 6. The examiner also points out that the fasteners do not project to the exterior and that the exterior of the casing has a continuous contour free of edges, projections etc. so that dirt and germs cannot deposit on the exterior of the casing.

The illustrated embodiment of *Behnke et al.* disclose two different types of housings: a first one where the two housing parts are re-sealable and connected by screws, bolts etc. and a second one where the two housing parts are aligned by means of posts and receptacles and the two portions are then joined (welded) to one another to produce a completely sealed housing. This is explained in col. 4, lines 4-17. Fig. 5 is said to show such alignment posts and Fig. 1 is said to show the matching receptacles for receiving the projecting posts of Fig. 5. Fig. 6 shows a completed housing 10 with the two housing portions 8 and 9 joined (i.e. welded); see col. 5, lines 27-50. The periphery of the housing 10 is sealed as well as joined (see col. 5, lines 40-43).

Thus, the illustrated embodiment of *Behnke et al.* that according to the examiner has no fasteners projecting to the exterior and has an exterior with a continuous contour free of edges, projections etc. so that dirt and germs cannot deposit on the exterior of the casing, is actually a housing comprised of two parts that are welded at the periphery where the two parts meet. The “fastening element” is the welding seam; if no welding seam is produced yet, the housing parts 8, 9 are not fastened to one another but simply aligned. The top part 8 can be lifted off the bottom part when only the alignment pins 17, 19, 21 are received in the matching receptacles. The parts are not fastened to one another and are still separable.

If the two parts were to be connected by screws or bolts in order to provide a re-sealable housing as suggested in col. 4, lines 4-9, then the top part 8 of the housing must have through bores that penetrate the top part 8 and are accessible from the exterior (top side of the part 9) in order to be able to screw the screws or bolts from above into the threaded bores (i.e., the receptacles 17, 19, 21 of the bottom part 9 shown in Fig. 1 must be threaded bores for receiving the screws or bolts) - nothing else is possible in the illustrated configuration. When there are through bores for receiving the screws, then there are, of course, recesses in which the screw heads are arranged or the screws heads come to rest against the top side, i.e., they project from the top side of the housing.

Claim 1 as amended is therefore not anticipated or obvious in view of the cited reference: when screws or bolts are used to connect the two housing parts, there must be access from the exterior in order to be able to tightened the screws or bolts and this leads necessarily to projections or recesses or edges - in short, the exterior can no longer have a continuous contour that is free of edges, corners, projections, recesses, and steps caused by the fastening elements or by recesses for receiving the fastening elements. The configuration employing screws or bolts leads to a housing arrangement having exactly the problems that the present invention is aiming to solve.

Rejection under 35 U.S.C. 103

Claims 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Behnke et al.* (US 4,791,831) and *Kitahata et al.* (US 6,209,409).

Claim 1 is believed to be allowable for the reasons presented above and claims 12 and 13 should be allowable as dependent claims.

ALLOWABLE SUBJECT MATTER

Claims 6-8, 17, 18, 23 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 has been amended by including the features of claims 1 and 3 and should thus be allowable. Claim 7 has been amended by including the features of claims 1 and 3 and should thus be allowable together with dependent claim 8. Claim 16 has been amended by incorporating therein the features of claims 1, 14, and 17 and should thus be

allowable together with dependent claim 18. Claim 23 has been amended by including the features of claim 1.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Five independent claims are now being presented; the required fee for **two independent claims in excess of three** in the amount of **\$400.00** is being charged to credit card.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on February 15, 2007,

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